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*Attorneys for Plaintiff Mrs. Fields Franchising, LLC*

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IN THE UNITED STATES DISTRICT COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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MRS. FIELDS FRANCHISING, LLC,  
a Delaware limited liability company,

Plaintiff,

vs.

BEKTROM FOODS, INC.,  
a North Dakota corporation,

Defendant.

**ORDER DISMISSING BEKTROM'S  
THIRD COUNTERCLAIM FOR  
DECLARATORY RELIEF GRANTING  
IN PART AND DENYING IN PART  
PLAINTIFF MRS. FIELDS  
FRANCHISING, LLC'S RENEWED  
MOTION TO DISMISS [DKT. 28]**

Case No. 2:14-cv-00776-BSJ

Judge Bruce S. Jenkins

Plaintiff Mrs. Fields Franchising, LLC's ("Mrs. Fields") Renewed Motion to Dismiss  
Defenses and Counterclaims [Dkt 28] came before the Court for hearing on August 25, 2015.

Mrs. Fields was represented by its counsel of record, Rod N. Andreason of Kirton McConkie.

Defendant Bektrom Foods, Inc. ("Bektrom") was represented by its counsel of record, David M.

Bennion and Zack L. Winzeler of Parsons Behle & Latimer.

The Court, having heard the arguments of counsel and having received and reviewed the memoranda pertinent to the above Motion and all pleadings and documents on file, being otherwise fully advised in the premises, and good cause appearing therefor, hereby

ORDERS, ADJUDGES, AND DECREES AS FOLLOWS:

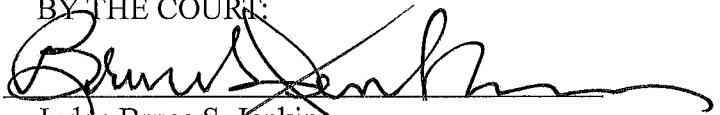
IT IS HEREBY ORDERED that Bektrom's Third Counterclaim for Declaratory Relief [23] is DISMISSED.

IT IS FURTHER ORDERED that Mrs. Fields' Renewed Motion to Dismiss Defenses and Counterclaims [Dkt. 28] is DENIED in all other respects, including Mrs. Fields' Motion to Dismiss Bektrom's defenses to Mrs. Fields' claims and Mrs. Fields' Motion to Dismiss Bektrom's First Counterclaim for Breach of Contract and Second Counterclaim for Breach of the Implied Covenant of Good Faith and Fair Dealing.

DATED this 14<sup>th</sup> day of Feb., 2016

BY THE COURT:

By:

  
Judge Bruce S. Jenkins  
United States District Court Judge

*Approved as to form:*

/s/  
David M. Bennion  
Zack L. Winzeler

Attorneys for Defendant Bektrom Foods, Inc.